D.B.CIVIL SPECIAL APPEAL NO.35/2007
L.Rs. Of Ram Chandra & Ors. vs. Civil Judge (JD), Shrivijaynagar.

DATE OF ORDER : 30/5/2007

HONB'LE SHRI RAJESH BALIA, J.

HON'BLE SHRI BHANWAROO KHAN, J.

Mr.R.K.Thanvi, for the appellants.

Having heard learned counsel for the appellants, no interference is called for the order passed by the learned Single Judge, who has observed that petitioner was knowing about the facts, which he wanted to bring on record in written statement by application dated 5/10/2005, so much so the order which was made foundation for making of application itself had been made subject matter of writ petition in 2000 by himself.

In these circumstances, even if it can be said that reasons given by trial court were not very cogent, the rejection of application under Order 6 Rule 17 CPC by the defendant at such a belated stage did not call for interference under extra ordinary jurisdiction.

Accordingly, the appeal fails and is hereby dismissed.

(BHANWAROO KHAN), J. (RAJESH BALIA), J.

Pankaj Baweja